IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24711 of 2006

For Approval and Signature:
HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SURENDRANAGAR DISTRICT PANCHAYAT & 1 - Petitioner(s)
Versus
LAXMANBHAI MERABHAI PAGI - Respondent(s)

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Appearance :
MR HS MUNSHAW for Petitioner(s) : 1 - 2.
MR MUKESH H RATHOD for Respondent(s) : 1,

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 05/02/2007

ORAL JUDGMENT

Heard the learned advocates.

RULE returnable today. Mr.Rathod waives service of rule.

Both the learned advocates agree that the matter be heard and disposed of today.

The petitioner, Surendranagar District Panchayat challenges the judgment and award dated 20th November, 2000 passed by the Labour Court, Surendranagar in Reference (LCS) No.197/1994 and also the order dated 31st May, 2006 made by the learned Labour Judge, Surendranagar in Misc. Application No.10/2003.

It is not in dispute that the aforesaid Reference No.197/1994 has been decided ex-parte. The workman is ordered to be reinstated in service with 40% of the back-wages. The Application No.10/2003 filed for restoration has also been rejected.

Mr.Munshaw has submitted that the workman was appointed for a part-time service for 4 hours a day. He was required to be relieved from service because of want of work.

Mr.Rathod has submitted that all that the

workman is interested in is the employment and is not keen on receiving the idle wages.

On the facts and in the circumstances of the case, the petition is partly allowed. The award dated 20th November, 2000 passed by the Labour Court, Surendranagar in Reference (LCS) No.197/1994 in so far as the workman is awarded back-wages, is quashed and set-aside. Rest of the award is confirmed.

Rule is made absolute in the above terms. The parties shall bear their own cost.

The order of reinstatement of the workman in service shall be made within 15 days from today.

(Ms. R.M.Doshit, J.)

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